

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

**FILED**  
AUG - 8 2007  
U.S. DISTRICT COURT  
WHEELING, WV 26003

AMBER L. MCWHA,

Plaintiff,

vs.

CIVIL ACTION NO. 5:06-CV-00164  
JUDGE FREDERICK P. STAMP, JR.

FRANK H. OTWAY,

Defendant.

AGREED PARTIAL DISMISSAL ORDER

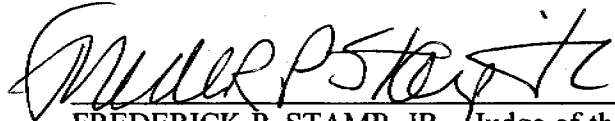
This day came the plaintiff, Amber L. McWha, by her counsel, Fitzsimmons Law Offices, Robert P. Fitzsimmons and Brent E. Wear, and the defendant, Frank H. Otway, by his counsel, Walsh, Collis & Blackmer PC, Paul J. Walsh, III and Adam M. Barnes, and the underinsured motorists insurer for the plaintiff, Allstate Insurance Company, by its counsel, Steptoe & Johnson PLLC and Mark E. Kinley, jointly moving that all claims of the plaintiff with/against Allstate Insurance Company be dismissed with prejudice as fully compromised and settled.

And it appearing that the parties have so agreed, as shown by the signatures of their attorneys of record below, it is, accordingly, ORDERED, ADJUDGED and DECREED that all claims of the plaintiff, Amber L. McWha, with/against Allstate Insurance Company be, and the same are hereby, dismissed with prejudice as fully compromised and settled between the plaintiff and Allstate Insurance Company.

The Clerk is directed to forward certified copies of this Agreed Partial Dismissal Order to all attorneys of record herein and this action shall continue on the docket of this Court as

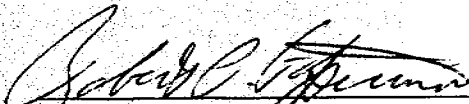
already scheduled on the remaining claims of the plaintiff, Amber L. McWha, against the defendant,  
Frank H. Otway.

ENTERED: August 8, 2007



FREDERICK P. STAMP, JR., Judge of the United  
States District Court for the Northern District Of West  
Virginia

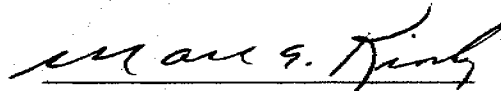
Agreed:



Robert P. Fitzsimmons, Esq.  
Brent E. Wear, Esq.  
Fitzsimmons Law Offices  
1609 Warwood Avenue  
Wheeling, WV 26003  
*Counsel for Plaintiff*



Paul J. Walsh, III, Esq.  
Adam M. Barnes, Esq.  
Walsh, Collis & Blackmer, PC  
707 Grant Street  
Gulf Tower, Suite 1400  
Pittsburgh, PA 15219  
*Counsel for Defendant*



Mark E. Kinley, Esq.  
Steptoe & Johnson PLLC  
1233 Main Street, Suite 3000  
P.O. Box 751  
Wheeling, WV 26003  
*Counsel for Allstate Insurance Company,  
underinsured motorists insurer*